

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

VIVIAN BERT, *et al.*,

Plaintiffs,

v.

AK STEEL CORPORATION,

Defendant.

Case No. C-1-02-467
Judge Beckwith
Magistrate Judge Hogan

PLAINTIFFS' INITIAL DISCLOSURES

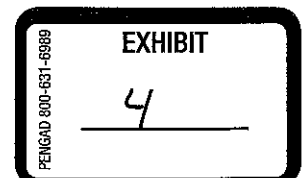
Plaintiffs, through their counsel, submit the following disclosures pursuant to Rule 26(a)(1) of the Federal Rules of Civil Procedure:

1. **The name and, if known, the address and telephone number of each individual likely to have discoverable information relevant to disputed facts alleged with particularity in the pleading identifying the subjects of the information.**

Lay Witnesses: See Attachment A.

Additional witnesses may include any of the Defendant's hiring personnel, management, or any other employees who have otherwise witnessed the violations alleged in Plaintiffs' complaint. Discovery is continuing and ongoing and Plaintiffs reserve the right to supplement this response as additional facts become available.

Expert Witnesses: At this time, expert witnesses are not identified. Plaintiffs' counsel will provide information pursuant to the Case Management Order in this case.



2. **A copy of, or a description by category and location of, all documents, data compilations, and tangible things in the possession, custody, or control of the party that are relevant to disputed facts alleged with particularity in the pleadings.**

See Attachment B.

Additional supporting documentation may include documentation in the possession of Defendants. Such documents may include any personnel files, postings, bids, manuals, notices, agreements, or other writings documenting the Plaintiffs' and putative class members' employment, applications for employment, and/or opportunities for advancement or lack thereof and Defendants' policies on discrimination and harassment.

Plaintiffs objects to the production of any documents which are protected by the attorney-client privilege or the work-product doctrine. Discovery is continuing and ongoing and Plaintiffs reserve the right to supplement this response as additional facts become available.

3. **A computation of any category of damages claimed by the disclosing party, making available for inspection and copying as under Rule 34 the documents or other evidentiary material, not privileged or protected from disclosure, on which such computation is based, including materials bearing on the nature and extent of injuries suffered.**

The actual nominal and punitive damage amounts are currently unknown and will be determined at a later date. This response will be supplemented as further information becomes available. In determining the amount of Plaintiffs' damages, Plaintiffs may need to rely upon information in the possession of the Defendant to be obtained during discovery, as well as the opinion of an expert or experts.

4. **For inspection and copying as under Rule 34 any insurance agreement under**

which any person carrying on an insurance business may be liable to satisfy part or all of a judgment which may be entered in the action or to indemnify or reimburse for payments made to satisfy the judgment.

Not applicable to Plaintiffs.

Respectfully submitted this 3rd day of February, 2003.



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Facsimile: (513) 241-7863

Attorneys for Plaintiffs

which any person carrying on an insurance business may be liable to satisfy part or all of a judgment which may be entered in the action or to indemnify or reimburse for payments made to satisfy the judgment.

Not applicable to Plaintiffs.

Respectfully submitted this 3rd day of February, 2003.

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CINCINNATI, OH 45202
Telephone: (513) 241-8137
Facsimile: (513) 241-7863

Attorneys for Plaintiffs

ATTACHMENT ALay Witness Testimony:¹

1. Vivian Bert

- a) Donna Phillips
Oklahoma Department of Transportation
200 N. E. 21st Street
Oklahoma City, OK 73105

Phillips may have knowledge of Bert's character, qualifications, level of experience, and job performance.

- b) Clyde W. Thomas
Oklahoma Department of Transportation
200 N. E. 21st Street
Oklahoma City, OK 73105

Thomas may have knowledge of Bert's character, qualifications, level of experience, and job performance.

2. Thaddeus Freeman

None at this time.

3. Darrell Carter

- a) Mark Collins
223 9th Street
Ashland, KY 4110

Collins may have information regarding race discrimination in hiring at AK Steel. He also may have knowledge of Carter's character, qualifications, and level of experience.

- b) Susan Lester
AK Steel, HR Manager
P.O. Box 191
Ashland, KY 41105

¹ Witnesses are listed according to the Plaintiff to whose claims they are believed to be most directly relevant. Plaintiffs reserve the right to take the position that such testimony is relevant to the claims of other Plaintiffs and/or the claims of the putative class.

Lester, an employee of the Defendant, may have information regarding Carter's application for employment with the AK Steel. Lester may also have information regarding race discrimination in hiring at AK Steel.

- c) Darlene Denise Carter
908 South 8th St.
Ironton, OH 45638

D. Carter may have information regarding race discrimination in hiring at AK Steel. He also may have knowledge of Carter's character, qualifications, and level of experience.

- d) Marnie Carter
908 South 8th St.
Ironton, OH 45638

M. Carter may have information regarding race discrimination in hiring at AK Steel. She also may have knowledge of Carter's character, qualifications, and level of experience.

- 4. Edward James Lewis

- a) Allen Roberts
P.O. Box 552
Middletown, OH 45044

Roberts may have information regarding race discrimination in hiring, promotions, training, and terms and conditions of employment at AK Steel. He also has knowledge of Lewis's character, qualifications, level of experience, and job performance.

- 5. Timothy Oliphant

None at this time.

- 6. Mary Harris

None at this time.

- 7. Roderique Russell

None at this time.

- 8. Kay Jackson

- a) Brooks Carmichael Jackson
1223 Winifred St.
Greenup, KY 41144

B. Jackson may have information regarding race discrimination in hiring, promotions, training, and terms and conditions of employment at AK Steel. He also has knowledge of Jackson's character, qualifications, level of experience, and job performance.

- b) Roger Grundman, Jr.
Tenneco Packaging
18 Peck Avenue
P.O. Box 148
Glens Falls, New York 12801-0148

Grundman may have knowledge of Jackson's character, qualifications, level of experience, and job performance.

- c) Mimi Louiso
Tenneco Packaging
9960 Raquet Club Lane
Glen Allen, VA 23060

Louiso may have knowledge of Jackson's character, qualifications, level of experience, and job performance.

- d) Gary Hamm
Tenneco Packaging/AVI
300 Harris Road
Wurtland, KY 41144

Hamm may have knowledge of Jackson's character, qualifications, level of experience, and job performance.

- e) Jackie Smith
Tenneco Packaging/AVI
300 Harris Road
Wurtland, KY 41144

Smith may have knowledge of Jackson's character, qualifications, level of experience, and job performance.

- f) Garry R. Lewis
Tenneco Packaging/AVI

300 Harris Road
Wurtland, KY 41144

Lewis may have knowledge of Jackson's character, qualifications, level of experience, and job performance.

9. Marnie Carter

- a) Darrell Carter
901 South 7th St.
Ironton, OH 45638

Carter may have information regarding race discrimination in hiring at AK Steel. He also may have knowledge of Carter's character, qualifications, and level of experience.

- b) Darlene Denise Carter
908 South 8th St.
Ironton, OH 45638

D. Carter may have information regarding race discrimination in hiring at AK Steel. She also may have knowledge of Carter's character, qualifications, and level of experience.

- c) Susan Lester
AK Steel, HR Manager
P.O. Box 191
Ashland, KY 41105

Lester, an employee of the Defendant, may have information regarding Carter's application for employment with the AK Steel. Lester may also have information regarding race discrimination in hiring at AK Steel.

10. Darlene Denise Carter

- a) Darrell Carter
901 South 7th St.
Ironton, OH 45638

Carter may have information regarding race discrimination in hiring at AK Steel. He also may have knowledge of Carter's character, qualifications, and level of experience.

- b) Marnie Carter
908 South 8th St.

Ironton, OH 45638

M. Carter may have information regarding race discrimination in hiring at AK Steel. She also may have knowledge of Carter's character, qualifications, and level of experience.

- c) Susan Lester
AK Steel, HR Manager
P.O. Box 191
Ashland, KY 41105

Lester, an employee of the Defendant, may have information regarding Carter's application for employment with the AK Steel. Lester may also have information regarding race discrimination in hiring at AK Steel.

11. Dwight Lewis

- a) Susan Lester
AK Steel, HR Manager
P.O. Box 191
Ashland, KY 41105

Lester, an employee of the Defendant, may have information regarding Lewis's application for employment with the AK Steel. Lester may also have information regarding race discrimination in hiring at AK Steel.

12. Michael Miller

- a) Jessica Hicks

Hicks, an employee of the Defendant, may have information regarding Miller's application for employment with the AK Steel. Hicks may also have information regarding race discrimination in hiring at AK Steel.

- b) Ella Moreland
Heidelberg Web Systems
4900 Webster Street
Dayton, Ohio 45414

Moreland may have knowledge of Miller's character, qualifications, level of experience, and job performance.

13. Ronald Sloan

a) Jessica Hicks

Hicks, an employee of the Defendant, may have information regarding Sloan's application for employment with the AK Steel. Hicks may also have information regarding race discrimination in hiring at AK Steel.

14. Donald Edwards

None at this time.

15. Shawn Pryor

None at this time.

16. Tiffany Jackson

a) Rodney Cosby
1202 Winifred St.
Greenup, KY 41144

Cosby may have information regarding race discrimination in hiring, promotions, training, and terms and conditions of employment at AK Steel. He also has knowledge of Jackson's character, qualifications, level of experience, and job performance.

b) Susan Lester
AK Steel, HR Manager
P.O. Box 191
Ashland, KY 41105

Lester, an employee of the Defendant, may have information regarding Jackson's application for employment with the AK Steel. Lester may also have information regarding race discrimination in hiring at AK Steel.

c) Pat Amitrano
Department of Public Works
11 Wurtz Avenue
Utica, NY 13502

Amitrano may have knowledge of Jackson's character, qualifications, level of experience, and job performance.

d) James Mack
User Friendly Software Systems

239 Genesee Street
Utica, NY 13502

Mack may have knowledge of Jackson's character, qualifications, level of experience, and job performance.

- e) Brian Boyle
Liebert Corporation
3040 South 9th Street
Ironton, OH 45638

Boyle may have knowledge of Jackson's character, qualifications, level of experience, and job performance.

17. Allen Roberts

None at this time.

ATTACHMENT B

1. Vivian Bert

Tax returns from 1999, 2000, and 2001
Resume
EEOC Charge
Job application
Notebook
2. Thaddeus Freeman

Tax returns from 1999, 2000 and 2001
EEOC Charge
Correspondence related to EEOC charge
Resume
3. Darrell Carter

None at this time.
4. Edward James Lewis

None at this time.
5. Timothy Oliphant

None at this time.
6. Mary Harris

Tax returns from 1999, 2000 and 2001
EEOC Charge
Resume
7. Roderique Russell

None at this time.
8. Kay Jackson

W2 Wage and Tax Statements 1999, 2000, 2001
EEOC Documents

Resume
 Letters of Recommendation
 Copies of prescriptions
 Notice of Dismissal
 Copy of high school diploma
 Copy of application to Shawnee Medical Center

9. Marnie Carter

None at this time.

10. Darlene Denise Carter

None at this time.

11. Dwight Lewis

Calender
 Tax Returns 1999, 2000, 2001
 Resume
 EEOC Charge and related Documents

12. Michael Miller

Tax Returns 2000, 2001
 Resume
 Transcript, Sinclair Community College, Associate of Applied Science
 Letter of Recommendation
 EEOC Charge and related Documents
 Work Force Reduction Notification, Heidelberg Web Systems

13. Ronald Sloan

Tax Returns: 1999, 2000, 2001
 EEOC charge
 Resumes
 Certificate of Discharge from Active Military Duty, Honorable
 Certificate regarding Naval Training and Experience
 cover letter
 electronics certificate

14. Donald Edwards

None at this time.

15. Shawn Pryor

W2 Wage and Tax Statements: 1999, 2000, 2001
High School Diploma
Dipoloma, Miami University of Ohio, BA

16. Tiffany Jackson

Tax Returns: 1999, 2000 and 2001
EEOC Charge and Related Documents
Resume
Calendar notes
Letters of reference
Paralegal certificate
Forklift certificate

17. Allen Roberts

None at this time.*

*At present, Plaintiffs continue to review documents in the possession of Roberts and will supplement these initial disclosures as soon as practicable.